

COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618

CHARLES W. WELCH, III
JUDGE

July 14, 2010

Mr. Charles R. Brooks, Sr.
Ms. Josephine Brooks
187 Woodfield Parkway
Magnolia, DE 19962

RE: Delaware Health Corporation, t/a Capitol Nursing Center v. Josephine Brooks and
Charles R. Brooks
C.A. No.: CPU5-10-001263
Order Regarding Answer of Defendant Josephine Brooks

Dear Mr. and Ms. Brooks:

Our court is in receipt of your Answer to the plaintiff's Complaint in the above-referenced matter. The Answer was filed on behalf of both of you. However, Mr. Brooks was the only one who signed it, for himself, individually, and for Ms. Brooks as her attorney-in-fact. After reviewing the file, it appears as though Ms. Brooks may be unable to represent herself in this case and must, therefore, obtain an attorney. Mr. Brooks may not represent Ms. Brooks in this matter as her attorney-in-fact.

It is established law in Delaware that a natural person may represent himself or herself in court, even though they may not be an attorney. *See Transpolymer Industries, Inc. v. Chapel Main Corp.*, 582 A.2d 936 (Del. 1990). However, a non-lawyer attorney-in-fact is precluded from filing papers and pursuing court proceedings on behalf of a principal. *Snyder v. Martin*, 820 A.2d 390, 393 (Del. Fam. Ct. 2001) (citing *In re Arons*, 756 A.2d 867, 874 (Del. 2000)). A lay person may not assume the role of an attorney at law "under the guise of a document which makes that lay person an attorney-in-fact." *Id.*

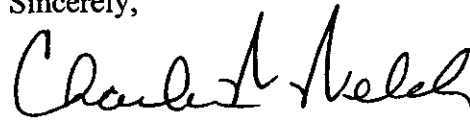
Mr. Brooks may represent himself in this matter. However, his representation of Ms. Brooks constitutes the unauthorized practice of law. If Ms. Brooks is incompetent to represent herself in these proceedings, a Delaware-licensed attorney must be retained to represent her. The Answer filed by Mr. Brooks will constitute an answer on his behalf only.

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Ms. Josephine Brooks
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Please be advised that Ms. Brooks has thirty days from the date of this letter to retain an attorney licensed to practice law in the State of Delaware and have them file an Answer on her behalf. Otherwise, a default judgment may be entered.

IT IS SO ORDERED.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek
pc: Robert K. Beste, Jr., Esq.